

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

CHARTER TOWNSHIP OF ROYAL OAK

Plaintiff,

-vs-

UNITED STATES OF AMERICA

Defendant.

**BLOOMFIELD LAW CENTER, P.C.**

BY: H. Wallace Parker (P-18647) ✓

44060 Woodward, Ste. 200

Bloomfield Hills, MI 48302

(248) 332-0222

03-71071

LAWRENCE P. ZATKOFF

MAGISTRATE JUDGE CARLSON

FILED  
2003 MAR 18 P 1:27  
U.S. DIST. COURT CLERK  
EAST DIST. MICHIGAN  
DETROIT

There is no other pending or resolved civil action arising of the same  
Transaction or occurrence as alleged in this complaint.

**COMPLAINT TO QUIET TITLE**

NOW COMES, Plaintiff, Charter Township of Royal Oak, by and through their attorneys, Bloomfield Law Center, P.C., by H. Wallace Parker, and for their Complaint to Quiet Title states as follows:

1. That Plaintiff, Charter Township of Royal Oak, is a municipality created by statute and located in the County of Oakland and State of Michigan.
2. That Defendant, United State of America is a sovereign power.
3. That this action is brought pursuant to the Federal Quiet Title Act, 28 U.S.C.A. § 2409A, granting this Court exclusive original jurisdiction in this matter.
4. That this action concerns real property situated in the Township of Royal Oak County of Oakland and State of Michigan and legally described as:

Lot 225 except the North 2ft also except the South 17.85 ft., Wyoming Park Sub-Division, as recorded in liber 31 page 33 of Plats, Oakland County Records.  
Tax ID# 25-32-476-013.

5. That the subject matter of this action is to Quiet Title to the said property described above in favor of Plaintiff, Charter Township of Royal Oak and place Plaintiff in actual, open and undisturbed possession of subject real estate.
6. That in 1945, Defendant, United States of America, had a interest in the said property pursuant to its power of eminent domain. (Exhibit A).
7. That on or about 1960, the Defendant, United States of America, relinquished its ownership of the said property in favor of Plaintiff, Charter Township of Royal Oak.
8. That Plaintiff, Charter Township of Royal Oak, has been in continuous and open possession of the subject property since 1960.
9. That Plaintiff, Charter Township of Royal Oak, intended to sell said property and pursuant to a title commitment issued on October 3, 2001, Plaintiff discovered that title to the said property was still vested in the United States of America and that the Deed vesting title in Plaintiff was never recorded with the Oakland County Register of Deeds. (Exhibit B).

**COUNT I**  
**STATE OF TITLE**

10. That Plaintiff hereby re-allege allegations 1-9 as if fully set forth herein.

11. That according to the records of the State of Michigan, Department of Treasury, and Oakland County Treasurer, Plaintiff, Charter Township of Royal Oak, is the owner of the subject property and has superior title to all persons claiming an interest in said property. (Exhibit C).
12. That a deed granting a fee simple interest in said property in favor of Plaintiff from Defendant was never recorded with the Oakland County Register of Deeds, therefore, necessitating the filing of this Quiet Title Action.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- A. Enter an Order to Quiet in favor of Plaintiff, Charter Township of Royal Oak, granting Plaintiff fee simple title of the said property, free and clear of any rights or claims of Defendant, United States of America, their heirs, assigns, successive, legal representatives and any party deriving an interest from said Defendants.
- B. That Plaintiff be granted such other relief as is just and equitable herein.

Respectfully submitted,

***Bloomfield Law Center, P.C***



H. Wallace Parker (P-18647)  
Attorney for Plaintiff  
44060 Woodward, Ste. 200  
Bloomfield Hills, MI 48302

Dated: \_\_\_\_\_

CGK/rj

**EXHIBIT A**

**EXHIBIT A**

1778-106

Printed Box No. 555

1778-106-9

United States of America  
 vs  
 Certain Parcels of Ld in R O T,  
 Carl Folks, et al,  
 Defts.

United States of America  
 In the Distr Ct of U S  
 For Eastern Distr of Michigan  
 Southern Div.  
 Civil #4291

Copy of Judgment  
 Demanded Declaration  
 Making. Condemnation  
 R. J. 29, 1945

Sess. Oct 24, 1944.

Hon. Edward J. McInnes, U.S. District Judge.

This matter having come on to be heard on the motion of the Petnr by John C. Lehr, U.S. Atty in and for the Eastern Dist of Mich, & Charles E. Duffy, Spec Asst to the U.S. Atty, for entry of judgment on the amended Decl of Taking fld herein;

Upon cons of the auth for the power of the Petnr to exercise its rt of eminent domain in this cause, the Petnr for Condemnation, Decl of Taking fld herein, statutes & laws of Congress of U.S.A., the Executive Orders as far as applicable hereto, & the exercise of such powers as have been made in this cause, it is found by this Ct, that:

The U.S.A. has the power & ath to exercise the rt of eminent domain to acquire title to the est in the lds hereinafter des & being condemned by judicial process for public use as prayed for in the petn for condemnation & as exercised in the filing of the amended Decl of Taking:

The amended Decl of Taking fld herein contains or has annexed thereto a statement of the auth under which & the public use for which the lds hereinafter des are taken, a desn of sd lds taken, a statement of the estate or int therein taken for sd public use, a plan showing the lds taken & a statement of the sum of money estimated by the Comm'r of Federal Public Housing Auth of the U.S.A. to be just compensation for the ld taken in the total sum of \$201,520.49, & that the sd Comm'r of Federal Public Housing Authority is of the opinion that the ultimate award of just compensation will be within the limits prescribed by law as the price to be pd therefor;

Now, therefore, it is decreed that upon the filing of the Decl of Taking in this cause & upon the depositing into the Registry of this Ct of the money estimated to be just compensation for the est taken, there vested in the U.S.A., a sovereign power, the full fee simple title absolute in the lds hereinafter des & as des in Schedule A attached to the Amended Decl of Taking fld herein with cert rts also therein des, sd lds being hereinafter set forth, subd, however, to cert utility easements also hereinafter set forth:

Ld in R O T, O C M: Lots 528, 529, 558, 574, 530, 531, 532, 535, 536, 537, 543, 544, 545, 546, 549, 550, 551, 552, 553, 554, 555, 573, 576, 577, 578, 579, 580, 581, 477, 478 of Forest Grove Sub #3 of pt of Sec 33, acc to plat as recd in L 32 of Plats on P 13 of O C M: Ld in R O T, O C M: Lots 177 & 250, 179, 180, 247, 249, 244, 245, 184, to 218 incl, 222 to 223 incl, 224, 225, 226, 228 to 243 incl, 46 to 61 incl, 63 & 64, 66 to 70 incl, 348, 349, 351, to 359 incl, 361 to 366 incl, 343, 344, 346, 347, 370, 371, 372, 374, 375, 376, 506, 507, 509, to 510 incl, 422 to 425 incl, 71 to 86 incl, 709 to 712 incl, & 742, 87 to 91 incl, 92, 96, to 99 incl, 101 & 102, 104 to 107 incl, 110 to 121 incl, 124 to 131 incl, 426, 427, 429 to 432 incl, 433 to 443 incl, 445 to 448 incl, 450 to 460 incl, 449, 148 to 153 incl, 155 to 164 incl, 263, 265, 266, 269, 270, 272, 273, 274, 276, 277, 279 & 280, 167, 168, 170 to 176 incl, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 incl, 339, 340, 378, 379, 332, 333, 334, 384, 385, and 386, 329, 330, 388, 324, 322, 394, 395, 320, 397, 398, 317, 318, 400, 401, 402, 311, 313, 404, 405, 406, 336, 327, 328, 389, 390 & 391, 178, 246, 247, 131 & 132.

Ld in Royal Oak T, O C, M: Lots 476, 477, 478, 480, 481, 483, 486, 487, 484, 489 to 493 incl, & 532 to 549 incl, 494 to 505 incl, 520 to 531 incl, 598, to 609 incl, 658 to 673 incl, & 675 to 693 incl, 580 to 591 incl, 616 to 627 incl, 592 to 597 incl, 610 to 615 incl, 674 of Wyoming Park Sub #1 of pt of Lots 3, 4, 5, 10, 11, 12 & 13 of Antonio Dondero's Sub of Ely of sd Sec 32, as shown on a plat which is recd in L 37 of Plats, P 25, O C Records.

Ld in R O T, O C, M: Lots 759, to 774 incl, N 9 ft of vacated alley S of 765 & 766 & N of 8-Mile Rd; 746, 755, 776 to 785 incl, 731 to 736 incl, 786 & 787, 789, 792 to 795 incl, 836 to 842 incl, 796 to 806 incl, 808 to 812 incl, 814 to 835 incl, also all of vacated alley S of 815 & 816 & N of 8 Mile Rd; 737 to 741 incl, 713 to 716 incl, 743, 717 to 722 incl, 744, 745, 724 to 730 incl, 788, 843 to 847 incl, 775, 747, 807, 813, 723 of Wyoming Park Sub #2 of pt of Lots 3, 9, 10 & 11 of Antonio Dondero's Sub of Ely of Sec 32, as shown on a plat recd in L 42 of Plats, P 34, O C Records.

Ld in R O T, O C, M: Pt of Lots 1 & 2 of Dondero's Sub in Sec 32, R O T, O C, M, & is des as fols: Beg at a point on E line of Scotia Rd 66 ft wide, sd point being dist S 89° 27' 10" E, 10 ft from NW cor of Lot 906 of Wyoming Park Sub #3; th alg N line of sd Wyoming Park Sub #3 N 89° 27' 10" W 827.47 ft to W line of Wyoming Park Sub #2; th alg sd W line N 0° 55' W 997.23 ft to a point on N line of sd Lot 2 of Dondero's Sub; th alg sd N line S 89° 16' 50" E 831 ft to a point on sd E line of Scotia Rd; th S 1° 06' 50" E 999.82 ft to point of beg; (also Lots 905 to 926, incl, & vacated 20 foot alley lying S of Lots 903, 910, 911, 918, 919 & 926; also that pt of Lots 870 to 880 incl, 881 to 891, incl, & 892 to 902, incl, lying bet S line of sd vacated alley & N line of Eight Mile Rd, 204 ft wide, in Wyoming Park Sub #3, R O T, O C, M.

Ld in R O T, O C, M, des as being composed of pts of Lots 3 & 4 of Dondero's Sub in Sec 32, R O T, O C, M, & is des as fols: Beg at a point on E & W 1/4 line of sd Sec 32, sd point being dist N 89° 06' 35" W 33 ft from cen of sd Sec 32; th alg sd 1/4 line N 89° 06' 35" W 1159.60 ft to a point on W line of Wyoming Park Sub #1; th alg sd W line S 0° 23' W 816.53 ft to SW cor of sd Wyoming Park Sub #1; th alg N line of Wyoming Park Sub #2 N 89° 27' 10" W 305.41 ft to NW cor of sd Sub; th alg W line of sd Sub S 0° 55' E 496.49 ft to a point on S line of Lot 3 of Dondero's Sub; th N 89° 16' 50" W 831 ft to a point on E line of Scotia Rd 66 ft wide; th alg sd E line N 1° 06' 50" W 1317.87 ft to point of beg.

\*And cert rts set forth in the Decl of Taking as:

The rt to grade & surface as public streets, to use in common with the public, to lay utilities & to connect with & use underground utilities in folg des streets: Wyoming Ave, bet N line of Eight Mile Rd & S line of North End Ave; Ithaca Ave, bet N line of Pasadena Ave & S line of North End Ave; Majestic Ave, bet N line of Pasadena Ave & S line of North End Ave; Mendota Ave, bet N line of Eight Mile Rd & S line of Pasadena Ave, & bet the N line of Cloverdale Ave & S line of North End Ave; Oneida Ave, bet N line of Pasadena Ave & S line of Lot 789 (Parcel No. 70) projected Eastward Pasadena Ave, bet W line of Montevista Ave (cen line of Proposed street) & E boundary of the site (102 ft E of E line of Wyoming Ave); Cloverdale Ave, bet W line of Montevista Ave to a point 102 ft E of E line of Wyoming Ave which is the E boundary of the site; & North End Ave, from W line of Oneida Ave projected Nly (cen line of proposed street) E to E project boundary line projected Nly (a point 82.31 ft E of E line of Wyoming Ave).

All the ab des lds, streets & alleys are to be taken subj to cert existing utilities & subj to the rts of the owners thereof, & their assigns, to use, maintain, replace & repair the same, sd utilities being des as fols:

1. An electric power pole & lines extending alg Ely boundary from Eight Mile Rd North to Parc 120.
2. An electric power pole & lines bet Wyoming & Ithaca Aves from Eight Mile Rd North to Pasadena Ave.
3. An electric power pole & lines bet Ithaca Ave & Majestic Ave from the public alley N of Wineman Hwy North to North End Ave.
4. An electric power pole & lines bet Majestic Ave & Birwood Ave from N line of Pasadena Ave N to North End Ave.
5. An electric power pole & lines bet Birwood Ave & Mendota Ave from N line of Eight Mile Rd N to public alley SW of Wineman Hwy.
6. A 12-inch sewer main NE of & parallel to Wineman Hwy, beg at Birwood Ave, N of Pasadena Ave, & run th N Westwardly to Cloverdale Ave.
7. A 24-inch sewer line bet Birwood Ave & Mendota Ave bet the then numbered 6 ab & Cloverdale Ave.
8. A 12-inch sewer line bet Mendota Ave & Oneida Ave from Eight Mile Rd

North to Pasadena Ave. & th across Pasadena Ave & Northwestwardly, parallel to & SW of Wineman Hwy; across Oneida Ave to Montevista Ave.

9. A 12-inch sewer line bet Oneida Ave & Montevista Ave, from Eight Mile Rd N across Pasadena Ave to its intersec with the 12-inch sewer line ment'd in Item 8. ab.

10. A 54-inch to 60-inch reinforced concrete sewer main beg at the West project boundary in Pasadena Ave extended, rung th E in Pasadena Ave, extended, & Pasadena Ave to Oneida Ave; th N & NWly in Oneida Ave & across Wineman Hwy to Mendota Ave; th Nly in Mendota Ave to N boundary of the project site.

and that sd est in lds as ab des is deemed to be condemned & taken for the U.S.A. & the rt to just compensation for the prop so taken is vested in the persons entitled thereto & the amt of such compensation shall be ascertained & awarded in this proceeding & subsequently established by judgments herein purs to law;

It is fur ord that this cause be & the same is hereby held open for such fur & other orders & judgments & decrees as may be found nec & just.

Sgd by U.S. Distr Jud.

Ctf of Clk of U.S. Distr Ct, Eastern Distr of Mich, dated Dec 14, 1944.  
Court Seal.

18618

(Abstr's Note: Ab instr, with pt written in in red pencil, is given like the record)

6

Pg 3. 1778-106

**EXHIBIT B**

**EXHIBIT B**



JUN-14-2002 14:58

FIRST AMERICAN TITLE

P.02/05

**Policy or Policies issued pursuant to this commitment are underwritten by:  
First American Title Insurance Company**

**SCHEDULE A**

COMMITMENT NO.  
252135

1. Commitment Date: October 03, 2001 @ 9:00 am
2. Policy (or policies) to be issued:
  - (a) ALTA Owners Policy  
Proposed Insured:  
  
To be determined
3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:  
  
United States of America
4. The land referred to in this Commitment is described as follows:  
  
Real estate situated in the City of Royal Oak, Oakland County, Michigan  
  
Lot 225 except the North 2.00 feet, also except the South 17.85 feet  
  
"Wyoming Park Subdivision" as recorded in Liber 31, Page(s) 33 of Plats, Oakland County Records.

21075 WYOMING

**For questions regarding this Commitment contact First American Title at (248) 458-7200  
National Accounts Division**

**EXHIBIT C**

**EXHIBIT C**

FEB-13-03 08:14 AM TOWNSHIP OF ROYAL OAK

12485471415

P.01

Page: 1 Document Name: OAKLAND DISPLAY

MTA070

TOWNSHIP OF ROYAL OAK  
LAND FILE INQUIRY FOR S 25-32-476-013

02/13/03

07:15:04

HOME EX: 6EX:

A/V:

0

TAXABLE:

0

SCHOOL: 199 ZONE: ME USE: ME NBRD: CME BANK: ESTAB: 0000

\*-----NAME 1-----\* \*-----NAME 2-----\*  
OWNER(S): ROYAL OAK TOWNSHIPADDR \*---(DIR STREET SUFFIX,QUAL)---\* \*---(CITY STATE ZIPCODE)---\*  
PROP: 21075 WYOMING FERNDALE MT 48220-2154  
MAIL: 21075 WYOMING FERNDALE MT 48220-2154

## DESCRIPTION:

01 T1N, R11W, SEC 32  
02 WYOMING PARK SUB  
03 LOT 225 EXC N 2.00 FT,  
04 ALSO EXC S 17.85 FT

NEXT CMT: 5 PARCEL: 25 32 476 013

PF14(SLND)

Date: 2/13/ 3 Time: 07:55:12 AM